

Sonoma County
Election Observer Panel Plan
May 19, 2009 Statewide Special Election

I. County and System Information

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|---|---|
| 1. Name of County: | Sonoma |
| 2. Name of Contact: | Gloria D. Colter, Asst. Registrar of Voters |
| 3. Contact's Phone: | 707-565-6814; 707-293-0896 (cell) |
| 4. Vendor/Voting Systems
Used by County: | DFM – EIMS/BC-Win; Mark-A-Vote;
Hart Intercivic DAU eSlate |
| 5. Date: | April 29, 2009 |

II. Purpose

In Sonoma County, the Election Observer Panel and Logic and Accuracy Board are combined into a single panel serving both functions. Pursuant to Sections 7.2 (Election Observer Panel) and 7.3 (Logic and Accuracy Certification) of the Procedures for Use of the Mark-a-Vote Voting System (as approved by the Voting Systems Panel January 15, 2004, and adopted by the Secretary of State), the purpose of the Election Observer Panel is to observe all critical procedures of the vote tallying process. The purpose of the Logic and Accuracy Certification Panel is to verify that the ballot counting program accurately tallies the logic and accuracy test ballot cards.

III. Invite

At roughly E-60, requests for appointment are sent either by letter or by e-mail to the following:

- County Grand Jury.
- County Information Systems Department.
- Representatives from affected agencies.
- Other groups or individuals who have expressed an interest in observing the vote tallying process.

IV. Duties, General Rules of Conduct

Panelists are responsible for:

- The duties set forth below:
 - Receive from the elections official all required test materials.
 - Take steps to ensure the security of the said materials before, during and subsequent to the election, except when in the possession of the elections official.
 - Observe the performance of all required tests.
 - Verify that the ballot counting program accurately tallies the logic and accuracy test ballot cards.
 - Note any discrepancies and problems and affirm their resolution or correction.
 - Certify to the performance of each of the above prescribed duties.
 - Sign the appropriate certificates.

- Wearing an identification badge.
- Maintaining a professional manner while observing the election processes.

Panelists may:

- Make notes and watch all procedures.
- View all activities at the central counting site.
- View the canvass of the vote activities following the election.
- View absentee and provisional ballot processing.
- Ask questions of supervisors at the central counting site.

Panelists may not:

- Interfere in any way with the conduct of the election.
- Touch any voting materials or equipment or sit at the official worktables.

V. Orientation and Pre-Election, Pre-Tabulation and Post-Election Test Observation and Verification

Election Observer/Logic and Accuracy Panel (hereafter Panel) meets at the Registrar of Voters Office ten days prior to the election for an orientation and to observe and verify the Pre-Election Logic and Accuracy Tests. This meeting provides members with an opportunity to ask questions about the entire election process and gives them an overview of the ballot tabulation process. Panelists have access to all areas of ballot processing and tabulation (during the testing and on Election Night).

The Panel reconvenes on Election Day at roughly 2:00 p.m. to observe and verify the Pre-Tabulation Logic and Accuracy Tests (run prior to the running of absentee ballots). Panelists have the option of remaining at the Registrar's Office from this time or may leave providing they return to the Registrar's Office no later than 8:00 p.m. The Panel remains at the Registrar's Office throughout the evening (and sometimes the following morning, if need be) observing all aspects of the vote tallying process. The Panel observes and verifies the Post-Election Logic and Accuracy Tests (run after all ballots have been tabulated on Election Night).

The Panel is required to return to observe and verify the Logic and Accuracy Tests both before and after the running of ballots during the Official Canvass. Panelists may observe any processes during the Official Canvass. To the extent possible, the Panel is comprised of the same members at all testing opportunities.

VI. Mechanism for Feedback

Panelists are provided a form for providing feedback concerning the ballot tabulation process and any other aspects of the administration of the election.

County of Sonoma
Election Day Communication Plan
May 19, 1009 Statewide Special Election

A. County and System Information

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Hart – Hart e-Slate DAU
5. Date: April 29, 2009

B. Communication Plan

1. In the event of a natural disaster, terrorist attack, electricity blackout, or systemic equipment failure, what procedures are in place to ensure quick and immediate communication with poll workers?
 - a. All Precinct Inspectors are issued cell phones.
 - b. Field Inspectors (Rovers) also have cell phones and can be dispatched to the polling location.
2. Do you have a bank of phones solely designated for poll workers to call and ask questions?
 - a. Yes, these are different lines than the voter phone bank.
3. What is the percentage of polling places that have public telephone access?
 - a. Very few public pay phones are still in existence due to the proliferation of cell phones; however due to our issuing cell phones to poll workers, these are no longer necessary.
4. Are the phones close enough for poll workers to use to contact the county elections office, if necessary?
 - a. See above.
5. Are poll workers in those locations provided information on calling collect, or are they provided adequate change or a calling card to pay for the phone calls?
 - a. For the few precincts that do not have cell coverage, there are telephones available.
 - b. Poll workers are instructed to call our toll free 800 number or to call collect.
6. What about locations without convenient pay phones?
 - a. See 1.a. above.
7. Do you record the cell phone and/or pager numbers of poll workers? If so, do you inform them to keep them turned on in case they need to be contacted? Are they reminded to charge the phones before Election Day?

- a. Yes, we have the cell number of all cell phones issued to poll workers, and they are instructed to keep them turned on, even if they don't believe they have cell service – because sometimes you can call in, even if they can't call out.
 - b. Yes, every Inspector when issued the phone in the class of instruction is reminded to charge the phone overnight before taking it to the polls – they also have a charger with them that can be plugged in during the day if necessary.
8. Do you provide a convenient sheet with contact information to poll workers?
- a. Yes, the first sheet in the Precinct Inspector's binder is a telephone number list with important contact numbers.
 - b. When the Field Inspectors make their first visits of the day, they give the poll workers a business card with the Field Inspector's cell number.
9. If no poll worker at a polling place has a cell phone or pager, do you issue one to the precinct captain?
- a. See 1.a. above.
10. How extensive is your system of troubleshooters or rovers on Election Day?
- a. We will be using a minimum of 17 Field Inspectors for the election.
11. What is the ratio of troubleshooters/rovers to polling places?
- a. Roughly 1 Field Inspector to 18 precincts (fewer precincts in the outlying areas due to travel distances).
12. How often are they supposed to check in with each assigned polling place?
- a. At least twice, more if necessary.
 - b. Field Inspectors are provided with a list of all precincts within their territory. It is noted which precincts have new Inspectors, or inexperienced boards, so they can make those precincts a priority.
13. How often are they supposed to check in with the county elections office?
- a. As needed, but least at 3 times during the day.
14. If a systemic problem with equipment were to occur, how would poll workers be notified about the way to handle the problem?
- a. Depending on the problem, either the Field Inspectors would be contacted and instructed to contact the poll workers in their territory, or we would have staff contact the poll workers and Field Inspectors.

C. Physical Security

Physical security addresses how secure voting equipment, ballots and the tabulation process are from external factors such as tampering, environmental degradation (such as from jostling, heat, water damage, etc.), unauthorized access, etc.

I. Pre-Election

1. What procedures do you have in place to assure the physical security of voting machines and paper ballots prior to an election?

Mark-A-Vote Ballots

- a. The facility is locked if staff is not present.
- b. Ballots are numbered for security purposes. Detailed records are kept of the ballots received, those issued, and those remaining.
- c. Voted ballots are stored in locked storage areas within the office, and when removed from the locked areas for processing are never left unattended.

Hart e-Slate DAU's

- d. The facility is locked if staff is not present. Because the storage facility is an offsite warehouse it is equipped with an intrusion alarm.
- e. Once the ballot has been loaded onto the equipment, each eSlate and VVPAT unit is sealed with a numbered lock.

2. How and where are equipment and ballots stored, and how is the facility secured against theft, tampering and vandalism?

Mark-A-Vote Ballots

- a. The facility is a locked facility, and there are a limited number of key cards issued to staff.
- b. The key cards are serial numbered and records are kept of the keys issued. Hours of access is restricted, dependent upon job class

Hart e-Slate DAU's

- c. The facility is locked if staff is not present. Because the storage facility is an offsite warehouse it is equipped with an intrusion alarm.

3. What protections are in place to assure access is permitted only for authorized personnel?

Mark-A-Vote Ballots

- a. Only authorized personnel (staff) are allowed in areas in which there are ballots. Any unauthorized intruders would be asked to leave, or security would be contacted.
- b. The facility is a locked facility, and there are a limited number of keys cards issued only to staff.
- c. The key cards are serial numbered and records are kept of the keys issued. Hours of access are restricted, dependent upon job class.

Hart e-Slate DAU's

- d. The facility is locked if staff is not present. Because the storage facility is an offsite warehouse it is equipped with an intrusion alarm.
 - e. Only authorized personnel (staff) are allowed in areas in which there are DAU's. Any unauthorized intruders would be asked to leave, or security would be contacted.
 - f. There are a limited number of keys issued only to permanent staff.
 - g. The keys are serial numbered and records are kept of the keys issued.
 - h. Only authorized permanent staff are given the access code to the alarm on the unit.
4. When software upgrades are installed, what effort is taken to assure that the upgrades are state certified?

DFM BC Win

- a. Our vendor no longer upgrades the ballot counting software.

Hart e-Slate DAU's

- b. Since the equipment has just been purchased there have been no upgrades to the software. At such time as it is necessary to upgrade the software we will verify with the SOS that the upgrade is state certified, or ask for a written statement from the vendor.

5. Who installs the upgrades, a county employee or a vendor employee?

DFM BC Win

- a. Our vendor no longer upgrades the ballot counting software.

Hart e-Slate DAU's

- b. Since the equipment was just recently purchased there have been no upgrades.

6. Do vendor employees ever handle any voting equipment?

Mark-A-Vote

- a. Our voting equipment consists of a paper ballot and a Mark-a-Vote pen. I have never seen the vendors handle either. The vendor does perform pre-election maintenance on the card readers.

Hart e-Slate DAU's

- b. Vendor staff was on hand for acceptance testing and to train staff and poll workers on the new equipment. I do not anticipate that they will handle voting equipment in the future.

7. If vendor employees are allowed to handle voting equipment pre-election, must county employees be present?

Mark-A-Vote

- a. N/A

Hart e-Slate DAU's

- b. Yes.

II. Poll workers and the Transportation of Equipment

1. Do you require poll workers to complete a detailed application form?
 - a. No.
2. Do you conduct any type of background check on poll workers? If so, what type of check do you conduct and who performs it?
 - a. We do not perform a background check, but periodically check our list against the Megan's Law list for sex offenders, particularly child molesters, to be certain we do not place them in schools. This check is performed by the poll worker recruitment staff.

3. Are voting equipment components and/or ballots transported to polling places by county employees or poll workers?

Mark-A-Vote

- a. Equipment and ballots are transported, sealed in plastic from the ballot printing facility and placed in sealed containers, to the class of instruction by county staff.
- b. At the class, they are distributed to the Precinct Inspectors who break the seals on the containers, account for the ballots assigned to them, and sign for the ballots.
- c. The Inspectors keep the ballots in their possession until they arrive at the polling place on election morning.

Hart e-Slate DAU's

- d. DAU's with the e-slate and VVPAT (each sealed with a numbered lock) inside, are picked up by Precinct Inspectors from the Registrar of Voters Office following the class of instruction on the use of the equipment.
 - e. The Inspectors keep the DAU's in their possession until they arrive at the polling place on election morning.
4. How are voting equipment components and/or ballots transported to the polling places?
 - a. By the Precinct Inspector in his/her vehicle.
 5. When are voting equipment and/or ballots transported to the polling place?
 - a. Empty voting booths and posters may be set up the night before the election. Ballots, DAU's and sensitive information such as Rosters and Indices are brought on election morning prior to opening the polls.
 6. If poll workers transport voting equipment and/or ballots, when do they receive the equipment/ballots? If significantly in advance of the election, how and where were they stored until the election? Are tamper proof seals utilized for this purpose?
 - a. Precinct Inspectors receive the ballots and voting supplies at the assigned class of instruction anywhere from 2 weeks to 1 day prior to the election.

- b. Precinct Inspectors are instructed to keep the ballots in a secure, dry location.
 - c. The ballot containers are sealed with tamper-proof seals and delivered to the Inspectors. The Inspectors verify the serial numbers on the ballots against the serial numbers on the ballot receipt. The Inspector signs a copy of the receipt, and from that point is responsible for the ballots. The receipts are collected and retained.
7. Does your county keep detailed logs of who takes custody of which equipment/ballots, and their contact information?
 - a. Yes, see 6. above.
 8. How are voting equipment and/or ballots secured from tampering from the time they leave county custody to the time they are delivered to the polling places?
 - a. See 3. – 7. above.
 9. Are serialized or other secure tamper-proof devices/seals placed on all ports where memory cards are inserted (as specified in the procedures adopted for use of voting equipment in California)?
 - a. Yes

10. How are your poll workers, as part of their training, trained to be alert for signs of pre-election tampering?

Mark-A-Vote

- a. Since the ballots are delivered directly to the Precinct Inspectors who take custody of the ballots, there is little or no opportunity for tampering.
- b. Any tampering (premarking of ballot cards?) would be clearly evident.

Hart e-Slate DAU's

- c. The DAU's are sealed with a tamper-proof seal. If the seal were broken the Inspector would report it. Also, if the 0 vote report printed when opening the polls is not 0, the Inspector would report it.

11. How are your poll workers, as part of their training, trained to be alert for the type of activity indicating someone is potentially tampering with a DRE or with any access card or access code on Election Day?
 - a. The poll workers are instructed to not print an access code prior to the time the DAU booth is available.
 - b. The one DAU per precinct is provided specifically for use by voters who are unable to vote on the Mark-A-Vote ballot. The booth will be set up close to the precinct board table where the precinct officers can keep a close eye on it.
12. How are your county's poll workers trained how to respond if tampering is suspected or discovered?

- a. Poll workers are trained to report any discrepancies or evidence of tampering with the ballots or the DAU.
 - b. Poll workers are told to telephone the Registrar's Office with any problems. They are also told to document any problems on the "Problems at the Polls" sheet in their instruction binder.
13. Do poll workers log instances of suspected tampering? If so, where is this logged? How does the county respond to these reports?
- a. Poll workers are trained to report any discrepancies or evidence of tampering with the ballots or the DAU.
 - b. Poll workers are told to telephone the Registrar's Office with any problems. They are also told to document any problems on the "Problems at the Polls" sheet in their instruction binder.
 - c. Because this has never occurred in the 26 years I have overseen the administration of elections I can't say for sure that they do.
 - d. Were this to occur, we would dispatch a Field Inspector immediately to investigate, and if the situation warranted, would dispatch staff from the Registrar's Office and notify law enforcement.
14. Do poll workers log instances of any anomaly with the voting system? if so, where is this logged? How does the county respond to these reports?
- a. Poll workers are told to telephone the Registrar's Office with any problems. They are also told to document any problems on the "Problems at the Polls" sheet in their instruction binder.
15. How are your county's poll workers trained should a piece of equipment not be usable because of a security requirement (i.e. wrong password)?
- a. Poll workers are told to telephone the Registrar's Office with any problems. They are also told to document any problems on the "Problems at the Polls" sheet in their instruction binder.

III. Election Day

- 1. If your county uses a DRE system which utilizes a "Smart Card" to activate voting, are poll workers trained to only issue a card to a voter once a voting station is available?
 - a. N/A. However they are trained to only issue an access code to a voter who is going to use the DAU when the DAU is available.
- 2. Are poll workers trained to ensure that if lines of voters form at the polling place, that the line forms at the registration table and not at the voting stations?
 - a. Poll workers are trained to issue a ballot and Mark-a-Vote pen only when a voting booth is available.
 - b. Poll workers are trained to only issue an access code to a voter who is going to use the DAU when the DAU is available.

- c. Lines at the polls are rarely a problem due to the large number of absentee voters in Sonoma County.
- 3. Do county "troubleshooters," "rovers" or other election deputies circulating to polling places on Election Day survey each polling site for any evidence of tampering or attempted intrusion into voting equipment?
 - a. The Field Inspectors do visit each polling place several times during the day and ask the Inspectors if there have been any problems during the day. They also do a visual survey of the polling place.

IV. Post-Election

- 1. During transportation of election materials to the central count or remote count locations, are all paper ballots and electronic election media in the possession of at least two election officials/poll workers?
 - a. Yes, all ballots and the DAU/JBC are in the possession of at least two poll workers during transportation to the return center.
- 2. How does your office ensure the protection of the election tabulation process by securing the premises where the vote tabulation is being conducted and not allowing unauthorized and unescorted personnel to be in contact with tabulation equipment?
 - a. The vote tabulating equipment is in a locked room that has large windows for observers. This room is staffed by Registrar of Voters staff at all times on election night.
 - b. Deputy sheriffs are hired for election night security/traffic control.
- 3. What physical security measures have you implemented for the room containing the computer running the tabulation software?
 - a. Locks on the doors.
 - b. No unauthorized access.
 - c. Sheriff's deputies on-site.
- 4. Are printed results tapes and a backup copy of the tabulation placed in locked storage in a secure location after tabulation?
 - a. Yes, tape backups are stored in a locked, secure, off-site location.
- 5. If so, how long do they remain there?
 - a. Indefinitely.
- 6. On Election night, during or following tabulation, are all of the event logs, ballot images and summary totals from each cartridge used in the election backed up to the tabulation database?
 - a. The DAU/JBC's are not backed up until the following day. These units contain only the votes cast by voters with disabilities and are stored in a locked/alarmed facility with the Provisional and Absentee Ballots turned in at the polls.

7. Are audit logs of every action and operation on any voting equipment or software maintained, and retained until the period for contesting the election has expired?
 - a. Yes.
8. How do you ensure that the server is physically secure from tampering?
 - a. Locked computer room.
 - b. No unauthorized access allowed.

E. Other

1. Has your office ever utilized a third party to evaluate the physical security of your facility, the procedures utilized to secure equipment and ballots before, during and after an election, or the training of poll workers or staff regarding these breaches of physical security? If so, when and by whom?
 - a. No.
2. Is there any other information you can provide regarding the physical security of your ballots, voting equipment, server, and facilities?
 - a. No.
3. Is there any other information you can provide regarding the training of your poll workers and election staff on physical security of ballots and equipment?
 - a. No.
4. What type of tamper-proof seals do you use? On what parts of the voting system are these seals used?
 - a. Plastic seals with serial numbers on unvoted ballot containers.
 - b. Plastic lock with serial number on the ballot box, DAU/JBC
 - c. Signed paper seals on voted ballot containers.
 - d. The serial numbers from the DAU/JBC are recorded on a log.